

## County E-Mail Concurrence

---

**From:** Patrick Jaeger [mailto:jpjaeger@sbcglobal.net]  
**Sent:** Thursday, May 09, 2013 2:26 PM  
**To:** Vercruysse, Brian; 'Kuntz, Jennifer R.'; 'roads@blackberrytwp.com'; 'MACKSHUMATE@UP.COM'; 'jason.johnson@illinois.gov'  
**Cc:** 'ewillrett@elburn.il.us'; 'steve coffinbargar'; 'Claire E. Anderson'  
**Subject:** Re: Final Agreed Order - T12-0109 ICC Hearing City. of Kane v. UPRR et al.

Brian:

Please see attached Agreed Order. Please note several points of clarification. Otherwise, I am good to go!

Pat

**From:** "Vercruysse, Brian" <bvercruy@icc.illinois.gov>  
**To:** "Vercruysse, Brian" <bvercruy@icc.illinois.gov>; "Kuntz, Jennifer R." <Jennifer.Kuntz@Illinois.gov>; 'Patrick Jaeger' <jpjaeger@sbcglobal.net>; "roads@blackberrytwp.com" <roads@blackberrytwp.com>; "MACKSHUMATE@UP.COM" <MACKSHUMATE@UP.COM>; "jason.johnson@illinois.gov" <jason.johnson@illinois.gov>  
**Cc:** "ewillrett@elburn.il.us" <ewillrett@elburn.il.us>; 'steve coffinbargar' <coffinbargarsteve@co.kane.il.us>; 'Claire E. Anderson' <CEANDERS@UP.COM>  
**Sent:** Thursday, May 9, 2013 7:47 AM  
**Subject:** RE: Final Agreed Order - T12-0109 ICC Hearing City. of Kane v. UPRR et al.

## IDOT E-Mail Concurrence

---

**From:** Kuntz, Jennifer R. [mailto:Jennifer.Kuntz@Illinois.gov]  
**Sent:** Thursday, May 09, 2013 3:39 PM  
**To:** Vercruysse, Brian  
**Cc:** Johnson, Jason L  
**Subject:** RE: Final Agreed Order - T12-0109 ICC Hearing City. of Kane v. UPRR et al.

Hi Brian,  
IDOT has no objections to the Agreed Order, thank you!  
Jenny

**From:** Vercruysse, Brian [mailto:bvercruy@icc.illinois.gov]  
**Sent:** Thursday, May 09, 2013 3:19 PM  
**To:** Kuntz, Jennifer R.; Johnson, Jason L  
**Subject:** FW: Final Agreed Order - T12-0109 ICC Hearing City. of Kane v. UPRR et al.

Jenny and Jason,

With the understanding reached yesterday (petition to be filed if needed re COD's), is there anything else the Department has concern with?

Thanks,  
Brian

## **UP E-Mail Concurrence**

---

Mack,

Thank you for finding. I will make sure that all references with the \$21M are for the Anderson Road Extension, and that the \$11.8M is for the Anderson Road Bridge.

Thanks,  
Brian

**From:** Mack H. Shumate [<mailto:MACKSHUMATE@UP.COM>]  
**Sent:** Thursday, May 09, 2013 3:07 PM  
**To:** Vercruysse, Brian; Patrick Jaeger  
**Cc:** 'Claire E. Anderson'; 'steve coffinbargar'; 'ewillrett@elburn.il.us'; 'jason.johnson@illinois.gov'; 'Kuntz, Jennifer R.'; 'roads@blackberrytwp.com'  
**Subject:** Re: Final Agreed Order - T12-0109 ICC Hearing City. of Kane v. UPRR et al.

Paragraph 3 under Petitioner's Evidence does not match up with Findings 8. There is the Anderson Road Extension and the Anderson Road Bridge Project. If the Anderson Road Extension is \$21,000,000 and the Anderson Road Bridge Project, which is included in the Anderson Road Extension, is \$11,826,252 of the \$21,000,000. Mack

### **PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT**

Mack H. Shumate, Jr.  
Law Department  
Union Pacific Railroad Company

**From:** Mack H. Shumate [<mailto:MACKSHUMATE@UP.COM>]  
**Sent:** Thursday, May 09, 2013 9:57 AM  
**To:** Vercruysse, Brian  
**Cc:** 'Claire E. Anderson'; 'steve coffinbargar'; 'ewillrett@elburn.il.us'; 'jason.johnson@illinois.gov'; 'Kuntz, Jennifer R.'; 'Patrick Jaeger'; 'roads@blackberrytwp.com'; Penny L. Menchey  
**Subject:** RE: Final Agreed Order - T12-0109 ICC Hearing City. of Kane v. UPRR et al.

Union Pacific Railroad Company approves the redline of the Draft Agreed Order attached to this email. Brian, thank you for your assistance in collecting the edits from all parties and turning the document around. Mack

### **PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT**

Mack H. Shumate, Jr.  
Law Department  
Union Pacific Railroad Company

## **Township Concurrence E-mail**

---

Roads <[roads@blackberrytwp.com](mailto:roads@blackberrytwp.com)> wrote:

Brian:

Everything seem fine with Blackberry Township Road District.

Thanks

Rod Feece

Blackberry Township Highway Commissioner

**From:** Vercruysse, Brian [<mailto:bvercruy@icc.illinois.gov>]

**Sent:** Thursday, May 09, 2013 7:48 AM

**To:** Vercruysse, Brian; 'Kuntz, Jennifer R.'; 'Patrick Jaeger'; 'roads@blackberrytwp.com'; 'MACKSHUMATE@UP.COM'; 'jason.johnson@illinois.gov'

**Cc:** 'ewillrett@elburn.il.us'; 'steve coffinbargar'; 'Claire E. Anderson'

**Subject:** RE: Final Agreed Order - T12-0109 ICC Hearing City. of Kane v. UPRR et al.

Good Morning,

I have been in contact with IDOT and we have modified Finding 8 back to the basic language that the GCPF will be used toward construction and RR flagging for the Bridge. We do not have enough time to resolve the Finding 8 language with regards to the eligible items and setting up Contract Obligation Documents (COD accounts). This is something that IDOT and ICC Staff will need to resolve separately and in relation to all bridge projects where the GCPF is utilized. With an 8/2 letting and our program, I will ask the ALJ to place this on the 6/5 Commission Bench Session if her schedule allows.

Upon award of the contract, we will have to revisit to see if further action will be necessary. Hopefully it will not.

Please find the latest revision that should be acceptable to IDOT and hopefully to all parties. Please provide your concurrence emails.

Thanks,

Brian

**Brian Vercruysse**